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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,086	10/31/2003	Kazuo Okada	SHO-0044	9733
23353	7590	11/15/2005		
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HOEL, MATTHEW D	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,086

Applicant(s)

OKADA, KAZUO

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Claim 4 was amended by the applicant to correct a typographical error. The amendment is accepted. Regarding Claims 1 to 8, the applicant states that Ozaki in view of Togunaka fails to disclose, teach, or suggest a liquid crystal display panel displaying images other than the designs on the variable display means in an area other than the transparent area over the variable display means. The examiner agrees with this point, but it is moot as the claims as amended on Nov. 10th, 2005 did not claim this feature, even though it is supported by the specification. The applicant is reminded that if he wants full benefit of the specification, he must claim those features in the specification that he wants patent protection for. A prima facie case of non-obviousness was properly established by the § 103 combination of Ozaki and Tokunaga in the last office action. All of the elements Claims 1 to 8 were taught by this reference, and there was sufficient motivation to combine the references. Ozaki teaches a transparent EL display; Tokunaga teaches a transparent LCD display. EL panels are widely used as backlighting for LCD panels, and EL panels can be substituted for LCD panels in many cases. In both references the panels are used as primary displays for electronic applications, so there was sufficient motivation to combine them. Regarding Claim 9, the applicant traverses the rejection with response to combining Mott with Ozaki and Tokunaga, but does not give any reason for the traversal. There was sufficient motivation to combine the anti-static coating of Mott with the combination of Ozaki and

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Tokunaga, as it is widely known in the art that state gaming regulations require gaming machines to be resistant to electrostatic discharge to protect the integrity of the devices' memory contents, as well as for the safety of the players. Claims 1 and 4 now claim displaying images other than the designs on the variable display means in an area other than the transparent area over the variable display means. The examiner agrees that this is supported by the specification, but it adds new matter to the claims, and so requires a new determination of non-anticipation and non-obviousness. The examiner respectfully disagrees with the applicant's assertion that the application is in condition for allowance.

2. Applicant's arguments filed June 10th, 2005 have been fully considered but they are not persuasive.

3. Applicant's arguments with respect to Claims 1 to 9 have been considered but are moot in view of the new ground(s) of rejection. Please see the double-patenting and § 103 rejections below.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

5. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

6. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1 and 4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,937,298 B2 in view of Biferno (U.S. patent 4,562,433 A).

8. As to Claim 1: Okada in '298 discloses all of the elements of Claim 1, but lacks specificity as to the liquid crystal display displaying images other than the designs on the variable display means in an area other than the transparent areas over the reels of the variable display means. '298 teaches a gaming machine with a variable means for displaying designs in a plurality of rows (slot machine with a plurality of reels, each reel having a plurality of symbols, Claim 1). '298 teaches a front display means including a transparent liquid crystal display having transparent areas to ensure the visibility of the variable display means (Claim 1). '298 teaches a light guiding plate that guides light emitted from a source across a surface of the liquid crystal display, the light guiding plate including transparent areas to ensure the visibility of the variable display means (Claim 1). Biferno, however, in '433 teaches a transparent LCD display (Fig. 1; Col. 2, Lines 24 to 59). LCD 10 of '433 displays images other than the designs on the electromechanical indicators in areas other than the areas over the electromechanical

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indicators (Fig. 1). '433 also teaches a light guide plate and light source for a transparent LCD. Transparent EL display 70 (Fig. 1) generates light and guides it between LCDs 10 and 20 (Col. 4, Line 57 to Col. 5, Line 7). 20 is transparent when turned off, ensuring the visibility of the variable display means. It would be obvious to one of ordinary skill in the art to apply the transparent LCDs of '433 to '298. The result of this combination would be a front display means with transparent areas to ensure the visibility of the variable display means wherein the LCDs could display symbols in areas other than the transparent areas over the variable display means. By turning off reflective LCD 20, making it transparent (Col. 2, Lines 34 to 37), '433 would display symbols on LCD 10 over the electromechanical indicator, like the transparent EL displays of '568 display symbols over the slot reels (Fig. 3). '433 has a variable display means comprised of multiple electromechanical indicators (32, 34, and 36, Fig. 1; Col. 3, Lines 32 to 37) like the variable display means of '298 comprises of electromechanical slot reels (Figs. 1 and 2). '433 also has a front display means comprising a display (transparent LCDs) in front of a variable display means, like '298 (Claim 1). The display means of '433 can be used in a gaming application (Col. 1, Line 30), like '298 (Abstract). '298 is implemented as a single transparent display (Para. 44), like '433, so it has LCD space in areas other than the transparent areas over the reels (Figs. 1 and 3). The advantage of this combination would be to enhance players' interest in the slot machine game by displaying symbols in areas other than those over the slot reels. These symbols could indicate bonuses or strategy hints to the player and otherwise use space on the LCD that would go unused.

9. As to Claim 4: '298 has a front display device in front of a variable display device (Claim 1). The front display device of '298 (transparent LCD) has a transparent area that ensures the visibility of the variable display device (Claim 1). '433 teaches displaying images other than the designs on the variable display device in areas other than the transparent areas over the variable display device (Fig. 1). '433 also teaches a light guide plate and light source for a transparent LCD. Transparent EL display 70 (Fig. 1) generates light and guides it between LCDs 10 and 20 (Col. 4, Line 57 to Col. 5, Line 7). 20 is transparent when turned off, ensuring the visibility of the variable display means.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki, et al. (U.S. patent application publication 2001/0031658 A1, application 09/793,720) in view of Biferno (U.S. patent 4,562,433 A).

4. As to Claim 1: Ozaki in '658 discloses all of the elements of Claim 1 but lacks specificity as to displaying symbols in areas other than the transparent areas over the slot reels and to the front display means having a light guide plate. Ozaki in '658 teaches a gaming machine with variable display means in the form of slot reels (Figs. 1

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to 3). The slot reels of '658 variably display designs in a plurality of rows (Fig. 3). '658 has front display means including transparent electroluminescent panels disposed in front of the slot reels (Figs. 1 and 2, Abstract). The EL panels have transparent areas that ensure the visibility of the slot reels (Abstract). The EL panels display images other than the designs on the slot reels (Fig. 3). Biferno, however, in '433 teaches a transparent LCD display (Fig. 1; Col. 2, Lines 24 to 59). LCD 10 of '433 displays images other than the designs on the electromechanical indicators in areas other than the areas over the electromechanical indicators (variable display device including indicators 32, 34, and 36; Fig. 1). '433 also teaches a light guide plate and light source for a transparent LCD. Transparent EL display 70 (Fig. 1) generates light and guides it between LCDs 10 and 20 (Col. 4, Line 57 to Col. 5, Line 7). 20 is transparent when turned off, ensuring the visibility of the variable display means. It would be obvious to one of ordinary skill in the art to apply the transparent LCDs of '433 to '568. The result of this combination would be a front display means with transparent areas to ensure the visibility of the variable display means wherein the LCDs could display symbols in areas other than the transparent areas over the variable display means. By turning off reflective LCD 20, making it transparent (Col. 2, Lines 34 to 37), '433 would display symbols on LCD 10 over the electromechanical indicator, like the transparent EL displays of '568 display symbols over the slot reels (Fig. 3). '433 has a variable display means comprised of multiple electromechanical indicators (32, 34, and 36, Fig. 1; Col. 3, Lines 32 to 37) like the variable display means of '568 comprises of electromechanical slot reels (Figs. 2 and 4). '433 also has a front display means

comprising a display (transparent LCDs) in front of a variable display means, like '568 (transparent EL displays). The display means of '433 can be used in a gaming application (Col. 1, Line 30), like '568 (Abstract). '568 can be implemented as a single transparent display (Para. 44), like '433, so it could possibly have LCD space in areas other than the transparent areas over the reels. LCDs and EL displays are both digitally-controlled, transparent displays that can be substituted for each other in many applications. The advantage of this combination would be to enhance players' interest in the slot machine game by displaying symbols in areas other than those over the slot reels. These symbols could indicate bonuses or strategy hints to the player and otherwise use space on the LCD that would go unused.

5. As to Claim 2: '568 has multiple slot reels, each having a reel band with designs on it (Figs. 2 and 3).

6. As to Claim 3: The gaming machine of '568 is a slot machine (Figs. 1, 2, and 3).

7. As to Claim 4: '568 has a variable display means comprising multiple slot reels capable of displaying a plurality of rows (Fig. 3). '433 has a front display means comprising a transparent LCD, disposed in front of the variable display means, having a first transparent area ensuring the visibility of the variable display means, and displaying images other than the designs on the variable display means in areas other than over the variable display means (Fig. 1). '568 can be implemented as a single transparent display (Para. 44), like '433, so it could possibly have LCD space in areas other than the first transparent area over the reels. '433 has a light source for emitting light, a light guiding plate for guiding light across the surface of the LCD panel, with the light guide

plate having a second transparent over the variable display means corresponding to the first transparent area (Fig. 1).

8. As to Claim 5: '568 has a plurality of slot reels, each having a reel on it with a plurality of designs (Figs. 2 and 3).

9. As to Claim 6: The gaming machine of '568 is a slot machine (Figs. 1, 2, and 3).

10. As to Claim 7: The gaming machine of '568 has a plurality of reels, each with a plurality of designs on it (Figs. 1, 2, and 3). '568 has a transparent EL display over each reel (Abstract, Fig. 1).

11. As to Claim 8: In the gaming machine of '568, the front panel 26 has openings 27a, 27b, and 27c (Fig. 1, Para. 44).

12. As to Claim 10: '433 has a plate 30 (Fig. 1) that would reflect light from the edge lighting for LCD 20, which acts as a light guide plate to itself and LCD 10. The plate 30 has transparent areas in the form of holes for instruments 32, 34, and 36 directly beneath the first transparent area of LCD 10 and the second transparent area of LCD 20.

13. As to Claim 11: The reflective LCD 20 of '433 has edge lighting (22 and 24, Fig. 1) disposed at the side of the display, in front of the reflection plate 30 and the electromechanical indicators (variable display device).

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki ('568) and Biferno ('433) in view of Suzuki, et al. (U.S. patent 5,745,199 A).

15. As to Claim 9: The combination of Ozaki ('568) and Biferno ('433) discloses all of the elements of Claim 9, but lacks specificity as to a transparent antistatic sheet on the rear side of the light guiding plate. Suzuki, however, in '199 teaches an LCD with an antistatic treatment (Col. 18, Lines 41 to 52). '199 has a light guiding plate 58 (Fig. 21, Col. 11, Lines 22 to 23). It would be obvious to one of ordinary skill in the art to apply the anti-static treatment to the combination of '568 and '433. The LCD display of '199 can be used in a gaming application (Col. 1, Lines 22 to 23), like the slot machine of '568. '199 has edge lighting 19 (Fig. 1; Col. 7, Lines 9 to 13), like '433 (Fig. 1). The advantage of this combination would be to enhance the gaming machine's resistance to electrostatic discharge, as required by most state gaming regulations.

Citation of Pertinent Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Biferno in U.S. patent 4,371,870 A teaches a transparent LCD display. Gauselmann in U.S. patent application 2003/0162579 A1, application 10/358,525, teaches a gaming machine with mechanical reels and a transparent touch screen. Tokunaga in U.S. patent 5,375,043 A teaches a lighting unit. Niyama, et al. in Patent Abstracts of Japan 02-019182, and Japanese patent application 63-171126 teach a gaming device with reels and a transparent display. Aida, et al. in U.S. patent application publication 2003/0130028 A1, application 10/322,642, teaches a slot machine with a front display means.

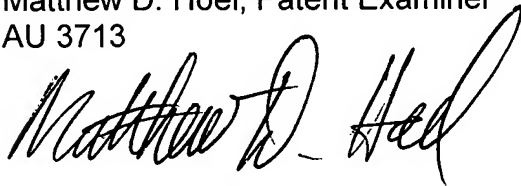
Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew D. Hoel, Patent Examiner
AU 3713



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